IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.280 of 2006

S.Keetha ... Petitioner

Vs.

1.State of Tamil Nadu, rep. by
the Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.

2.The District Magistrate and
the District Collector,
Villupuram District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detention order C2/11473/2006 dated 06.03.2006 passed by the second respondent under Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce the detenu Subbudu @ Subramanian S/o. Kuppusamy, now confined in Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilmurugan
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

WEB COPY

O R D E R

(Order of the Court was made by V.DHANAPALAN, J.)

The petitioner, who is the wife of the detenu by name Subbudu @ Subramanian, who was detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982(Tamil Nadu Act 14 of 1982), by the impugned detention order dated 06.03.2006, challenges the same in this Petition.

https://hcservices.ecourts.gov.in/hcservices/

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Additional Public Prosecutor has placed the details, which show that the representation of the detenu dated 23.03.2006 was received by the Government on 27.03.2006 and remarks were called for on 28.03.2006 and the reminder was sent on 06.04.2006. Thereafter, the remarks were received by the Government on 12.04.2006 and the File was submitted on the same day i.e. on 12.04.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary also on the same day i.e. on 12.04.2006 and finally, the Minister for Prohibition and Excise passed orders on 13.04.2006. The rejection letter was prepared on 05.05.2006 and the same was sent to the detenu on 09.05.2006 and served to him on 11.05.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 13.04.2006, there is no explanation at all for taking time for preparation of rejection letter till 05.05.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays, we are of the view that the time taken for preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his representation. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Secretary to Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Magistrate and District Collector,
Villupuram District.

3.The Superintendent,
Central Prison, Cuddalore
(In duplicate for communication to the petitioner)

4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor,
High Court, Madras.

HCP. No.280 of 2006

TEJ(CO)
RVL 26.06.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/